



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

REC
Docket No: 00214-11
17 October 2011

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 October 2011. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

You enlisted in the Marine Corps and began a period of active duty on 21 January 1959, at age 17. 23 April 1959, you were convicted by a summary court-martial (SCM) of failure to obey a lawful order, and two incidents of disobeying a direct order. You were sentenced to a forfeiture of \$25, and confinement at hard labor for 15 days. On 17 June 1959, you were convicted by a SCM of wrongfully altering a sick bay slip. You were sentenced to a forfeiture of \$25, and confinement at hard labor for 30 days. On 31 August 1960, you were convicted by a SCM of being in an unauthorized absence (UA) status for two days, and disobeying a lawful order. You were sentenced to a forfeiture of \$25, reduction in pay grade, confinement at hard labor for 45 days, and 45 days restriction. On 3 January and 8 May 1961, you received nonjudicial punishment (NJP) for being UA. On 2 August 1961, you were convicted by a SCM of two incidents of being UA, disobeying a lawful order, having an unclean rifle, and wrongfully appearing in an unclean uniform. You were sentenced to a forfeiture of \$40, and confinement at hard labor for 45 days. On 23 September 1961, you received NJP for having a rusty rifle. On 9 October 1961, you received NJP for being absent from

your appointed place of duty. On 29 November 1961, you were convicted by a fifth SCM of willfully causing damage to government property, failure to go to your appointed place of duty, and being UA. You were sentenced to confinement for 25 days. On 30 November 1961, you received NJP for failure to go to your appointed place of duty. On 21 December 1961, you received NJP for having illegal possession of a temporary base tag. On 13 December 1961, you received NJP for three incidents of failure to go to your appointed place of duty. On 13 March 1962, you received NJP for being UA. You were advised that your commanding officer was recommending you for administrative separation with a general discharge due to unsuitability. You waived all of your procedural rights, including your right to an administrative discharge board (ADB). On 16 January 1962, your commanding officer forwarded his recommendation that you receive a general discharge by reason of unfitness. The discharge authority directed a general discharge by reason of unfitness. On 21 February 1963, you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth. However, the Board found that these factors were not sufficient to warrant any change in your character of service, given your record of eight NJP's, and convictions by five SCM's of misconduct. The Board also noted that you were fortunate to receive a general discharge since a separation under other than honorable (OTH) conditions is often directed when an individual is found to have committed misconduct. The Board also noted that you waived your procedural right to an ADB, your best opportunity for retention or a better characterization of service. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,


W. DEAN PFEIFFER
Executive Director